

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, et al., Debtor in Foreign Proceedings.	Chapter 15 Case Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. THEODOOR GGC AMSTERDAM, et al., Defendants.	Adv. Pro. No. 10-03496 (CGM) Administratively Consolidated
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. CITIBANK NA LONDON and BENEFICIAL OWNERS OF ACCOUNTS HELD IN THE NAME OF CITIBANK NA LONDON 1-1000, Defendants.	Adv. Pro. No. 10-03622 (CGM)

**CITIBANK NA LONDON'S AND LIQUIDATORS' FED. R. CIV. P. 26(F) REPORT
AND SCHEDULING ORDER**

In accordance with Federal Rule of Civil Procedure 26(f) and Federal Rule of Bankruptcy Procedure 7026, counsel for the Joint Liquidators and Foreign Representatives (the "Liquidators") of Fairfield Sentry Limited (In Liquidation) ("Sentry"), Fairfield Sigma Limited (In Liquidation) ("Sigma"), and Fairfield Lambda Limited (In Liquidation) ("Lambda" and, together with Sentry and Sigma, the "Funds") and counsel for Citibank NA London met on October 1, 2021 and

exchanged communications thereafter. Citibank NA London and the Liquidators (together, the “Parties”) submit this Report as required under the Rules. This Report and the accompanying Proposed Order are without prejudice to any party’s claims, defenses, or arguments, including defenses based on lack of personal jurisdiction.

I. FACT DISCOVERY

1. **Initial Disclosures:** The Parties shall exchange their initial disclosures under Federal Rule of Civil Procedure 26(a)(1)(A) on or before **Friday, October 29, 2021**.

2. **12(b)(6) Motions:** Citibank NA London will move to dismiss the Liquidators’ complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). The Liquidators will oppose that motion. The parties will meet and confer on a briefing schedule and submit a stipulated scheduling order to the Court.

3. **Interrogatories and Requests for Admission:**

a. Interrogatories (except contention interrogatories) shall be served by **Monday, October 17, 2022**.

b. Contention interrogatories and requests for admission shall be served by **Friday, December 16, 2022**. Contention interrogatories shall be served no earlier than **Monday, October 17, 2022**.

4. **Depositions:** The number and length of depositions shall presumptively be as provided in the Federal Rules of Civil Procedure, subject to the right of any party to seek modification thereof by mutual agreement or, for good cause, by order of the Court. The Parties shall meet and confer regarding the location and scheduling of depositions, taking into account the interests of the witness.

5. **Merits Document Discovery:** The Parties shall substantially complete document productions by **Monday, August 15, 2022**.

6. **Fact Discovery Cut-Off:** Fact discovery shall conclude by **Friday, January 27, 2023.**

II. EXPERT DISCOVERY

1. **Disclosure:** The deadline for the Parties to disclose the identity of any expert witness under Federal Rule of Civil Procedure 26(a)(2) is **Tuesday, December 13, 2022.** The Parties may designate rebuttal expert witnesses consistent with Federal Rule of Civil Procedure 26(a)(2)(D)(ii) by **Wednesday, January 11, 2023.**

2. **Expert Reports:** The Parties shall submit a mutually agreed to proposed schedule for exchanging opening, rebuttal, and reply expert reports and for completion of expert depositions (or, barring agreement, competing proposed Orders) for the Court's consideration no later than **Wednesday, January 25, 2023.**

3. **Expert Discovery Cut-Off:** All expert discovery shall be completed by **Thursday, September 14, 2023.**

III. FURTHER PROCEEDINGS AND OTHER MATTERS

1. The Parties shall submit a mutually agreed to proposed ESI Protocol and Confidentiality Order (or, barring agreement, competing proposed ESI Protocols and Confidentiality Orders) for the Court's consideration by **Thursday, October 21, 2021.**

2. Any request for leave to amend pleadings or join parties shall be made by **Friday, February 10, 2023.**

3. The Parties shall jointly contact the Court on **Friday, September 22, 2023** to schedule a status conference to discuss summary judgment and trial.

4. All motions, applications, and discovery disputes shall be governed by the Court's Chambers Rules.

5. The Parties may stipulate to the adjournment of any date without further approval of the Court, other than the dates for: (a) fact discovery cut-off, (b) expert discovery cut-off, and (c) proposing schedules for the exchange of expert reports and for seeking a further schedule from the Court as provided in paragraph III(4).

6. All applications to modify or extend the dates herein shall be made in a written application in accordance with the Court's Chambers Rules and shall be made no less than two business days prior to the expiration of the date sought to be extended.

Respectfully submitted,

Dated: October 15, 2021
New York, New York

/s/ David Elsberg

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– and –

BROWN RUDNICK LLP
David J. Molton

Dated: October 15, 2021
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/s/ Carmine D. Boccuzzi, Jr.

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*Attorneys for Plaintiffs Foreign Repre-
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**Dated: October 19, 2021
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge**